

## **2011 DRAFTING REQUEST**

### **Bill**

Received: **01/14/2011**

Received By: **btradewe**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget**

By/Representing: **Steinmetz**

May Contact:

Drafter: **btradewe**

Subject: **Environment - recycling**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

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### **Pre Topic:**

DOA:.....Steinmetz, BB0223 -

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### **Topic:**

Eliminate requirement for local recycling programs and financial assistance

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### **Instructions:**

See attached

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	btradewe 01/18/2011	nmatzke 01/18/2011	phenry 01/19/2011	_____	lparisi 01/19/2011		
/P2	btradewe 01/28/2011	nmatzke 02/01/2011	rschluet 02/03/2011	_____	sbasford 02/03/2011		S&L
/P3	btradewe 02/18/2011	kfollett 02/18/2011	phenry 02/18/2011	_____	lparisi 02/18/2011		S&L

FE Sent For:

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/P1	btradewe 01/18/2011	nnatzke 01/18/2011	phenry 01/19/2011	_____	lparisi 01/19/2011		
/P2	btradewe 01/28/2011	nnatzke 02/01/2011	rschluet 02/03/2011	_____	sbasford 02/03/2011		S&L

FE Sent For:

1P3kf  
2/18  
ph  
<END>

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Eliminate requirement <sup>requirement</sup> for local recycling programs and financial assistance


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**Instructions:**

See attached

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/P1	btradewe	/P1 <sup>nwn</sup> 1/18	119 pk	 pk			

FE Sent For:

<END>

**Tradewell, Becky**

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**From:** Hanaman, Cathlene  
**Sent:** Thursday, January 13, 2011 4:57 PM  
**To:** Tradewell, Becky  
**Subject:** FW: Statutory Language Drafting Request

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**From:** DOADLBASADMININTERNETSHAREPOINT@WI.GOV  
[mailto:DOADLBASADMININTERNETSHAREPOINT@WI.GOV]  
**Sent:** Thursday, January 13, 2011 4:45 PM  
**To:** Hanaman, Cathlene  
**Cc:** Hetzel, Shayna - DOA; Thornton, Scott - DOA; Steinmetz, Jana D - DOA  
**Subject:** Statutory Language Drafting Request

Topic: Recycling

Tracking Code: BB0223

SBO Team: AEJ

SBO Analyst: Steinmetz, Jana D - DOA  
Phone: (608) 266-2081  
E-mail: Jana.Steinmetz@Wisconsin.gov

Agency Acronym: DNR

Agency Number: 370

Priority: High

Intent:  
Repeal the financial assistance for responsible units program and the associated mandate.

Repeal the recycling efficiency incentive grants program.

Repeal the waste reduction and demonstration grants program.

Attachments: False



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1050/P1

RCT: (...  
nwn

In 1/18  
LPS: Please fix request sheet

DOA:.....Steinmetz, BB0223 - Eliminate requirement for local recycling programs and financial assistance

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

Note

SA ✓  
X-clf ✓

1 AN ACT <sup>don't gen.</sup>...; relating to: the budget. ✓

---

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

2 SECTION 1. 16.15 (1) (ae) of the statutes is amended to read:  
3 16.15 (1) (ae) "Cost of disposing of processed material" ~~has the meaning given~~  
4 in s. 287.11 (2m) (a) 1 means the gross cost of transferring processed material to a  
5 solid waste disposal facility and disposing of the processed material in the facility,  
6 including any disposal costs not paid through fees charged by the facility. ✓

History: 1987 a. 292; 1989 a. 335; 1995 a. 27, 227; 1999 a. 9; 2005 a. 74; 2007 a. 20; 2009 a. 28.

7 SECTION 2. 16.15 (1) (ah) of the statutes is amended to read:

1 16.15 (1) (ah) "Cost of selling processed material" ~~has the meaning given in s.~~  
 2 287.11 (2m) (a) 2 means the net cost, including any storage costs, of selling processed  
 3 material to a broker, dealer or manufacturing facility, plus any cost of transporting  
 4 the processed material from the waste processing facility to the destination specified  
 5 by the broker, dealer, or manufacturing facility.✓

History: 1987 a. 292; 1989 a. 335; 1995 a. 27, 227; 1999 a. 9; 2005 a. 74; 2007 a. 20; 2009 a. 28.

6 **SECTION 3.** 16.15 (1) (ar) of the statutes is amended to read:

7 16.15 (1) (ar) "Processed material" ~~has the meaning given in s. 287.11 (2m) (a)~~  
 8 3 means a component of solid waste that has been collected, transported to a waste  
 9 processing facility, and prepared for sale to a broker, dealer, or manufacturer.✓

History: 1987 a. 292; 1989 a. 335; 1995 a. 27, 227; 1999 a. 9; 2005 a. 74; 2007 a. 20; 2009 a. 28.

10 **SECTION 4.** 20.370 (2) (hq) of the statutes is amended to read:

11 20.370 (2) (hq) *Recycling; administration.* From the recycling and renewable  
 12 energy fund, the amounts in the schedule for the administration of subch. II of ch.  
 13 287, other than ss. s. 287.21, 287.23 and 287.25.✓

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 286, 365, 373.

14 **SECTION 5.** 20.370 (3) (mr) of the statutes is amended to read:

15 20.370 (3) (mr) *Recycling; enforcement and research.* From the recycling and  
 16 renewable energy fund, the amounts in the schedule for research and enforcement  
 17 under subch. II of ch. 287, other than under ss. s. 287.21, 287.23 and 287.25.✓

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 286, 365, 373.

18 **SECTION 6.** 20.370 (6) (br) of the statutes is amended to read:

20.370 (6) (br) *Environmental aids — waste reduction and recycling*. From the recycling and renewable energy fund, as a continuing appropriation, the amounts in the schedule for waste reduction and recycling demonstration grants under s. 287.25 and for business waste reduction and recycling assistance under s. 287.26.

**History:** 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373.

\*\*\*\*NOTE: Or should this appropriation and s. 287.26 also be repealed?

SECTION 7. 20.370 (6) (bu) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 8. 20.370 (6) (bv) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 9. 59.70 (2) (L) of the statutes is amended to read:

59.70 (2) (L) Appropriate funds and levy taxes to provide funds for acquisition or lease of sites, easements, necessary facilities and equipment and for all other costs required for the solid waste management system except that no municipality which operates its own solid waste management program under s. 287.09 (2) (a) or waste collection and disposal facility, or property therein, shall be subject to any tax levied hereunder to cover the capital and operating costs of these functions. Such appropriations may be treated as a revolving capital fund to be reimbursed from proceeds of the system.

**History:** 1995 a. 201 ss. 108, 109, 133, 150, 161, 163, 172, 214 to 216, 218 to 221, 437 to 442, 438, 449 to 451, 455, 456; 1995 a. 227; 1997 a. 35; 1999 a. 150 s. 672; 2005 a. 149.

SECTION 10. 74.01 (5) of the statutes is amended to read:

74.01 (5) "Special tax" means any amount entered in the tax roll which is not a general property tax, special assessment or special charge. "Special tax" includes any interest and penalties assessed for nonpayment of the tax before it is placed in



the tax roll and any charge under s. 287.093 (1) (a) 2. that is placed on the tax roll  
under s. 287.093 (2). ✓

History: 1987 a. 378; 1989 a. 335; 1999 a. 150 s. 672.

SECTION 11. 227.01 (13) (zi) of the statutes is repealed. ✓

SECTION 12. 285.63 (10) (c) 4. of the statutes is repealed. ✓

SECTION 13. 287.01 (5) of the statutes is repealed. ✓

SECTION 14. 287.01 (8) of the statutes is repealed. ✓

SECTION 15. 287.01 (9) of the statutes is repealed. ✓

SECTION 16. 287.03 (1) (f) of the statutes is repealed. ✓

SECTION 17. 287.07 (3) (intro.) of the statutes is renumbered 287.07 (3) and  
amended to read:

287.07 (3) ~~GENERAL DISPOSAL RESTRICTIONS~~ WASTE TIRES. (intro.) Beginning on  
January 1, 1995, no person may dispose of a waste tire, as defined in s. 289.55 (1) (c) ✓  
in a solid waste disposal facility or burn a waste tire without energy recovery in a  
solid waste treatment facility in this state any of the following: ✓

History: 1989 a. 335 ss. 66e, 76; 1991 a. 32, 269, 300; 1993 a. 245, 419; 1995 a. 27, 142; 1995 a. 227 s. 889; Stats. 1995 s. 287.07; 1997 a. 27; 2009 a. 50, 55, 86.

SECTION 18. 287.07 (4) (intro.) of the statutes is amended to read:

287.07 (4) ~~GENERAL INCINERATION~~ DISPOSAL RESTRICTIONS. (intro.) Beginning on  
January 1, 1995, no person No individual may convert place in a container the  
contents of which will be disposed of in a solid waste disposal facility, converted into  
fuel, or burn with energy recovery burned at a solid waste treatment facility in this  
state any of the following: ✓

History: 1989 a. 335 ss. 66e, 76; 1991 a. 32, 269, 300; 1993 a. 245, 419; 1995 a. 27, 142; 1995 a. 227 s. 889; Stats. 1995 s. 287.07; 1997 a. 27; 2009 a. 50, 55, 86.

SECTION 19. 287.07 (7) (a) of the statutes is repealed.

SECTION 20. 287.07 (7) (b) 2. of the statutes is amended to read:

287.07 (7) (b) 2. A prohibition in sub. (3) (b), (c), (e), (f), (g), (h) or (j) or (4) (b),  
(c), (f), (g), (h) or (i) does not apply to a person who converts into fuel or burns at an

Section #. RP;  
1287.07(3) (a) to (k)

1 operating solid waste treatment facility a type of material identified in one of those  
2 paragraphs that was converted into fuel or burned at the operating solid waste  
3 treatment facility during April, 1990, and either is generated in the operating solid  
4 waste treatment facility's current service area or is generated by the owner of the  
5 operating solid waste treatment facility.✓

6 History: 1989 a. 335 ss. 66e, 76; 1991 a. 32, 269, 300; 1993 a. 245, 419; 1995 a. 27, 142; 1995 a. 227 s. 889; Stats. 1995 s. 287.07; 1997 a. 27; 2009 a. 50, 55, 86.

**SECTION 21.** 287.07 (7) (c) 1. cg. of the statutes is amended to read:

7 287.07 (7) (c) 1. cg. "Medical waste" means containers, packages and materials  
8 identified under sub. (3)✓ or (4) that contain infectious waste or that are from a  
9 treatment area and are mixed with infectious waste.✓

10 History: 1989 a. 335 ss. 66e, 76; 1991 a. 32, 269, 300; 1993 a. 245, 419; 1995 a. 27, 142; 1995 a. 227 s. 889; Stats. 1995 s. 287.07; 1997 a. 27; 2009 a. 50, 55, 86.

**SECTION 22.** 287.07 (7) (c) 2. (intro.) of the statutes is amended to read:

11 287.07 (7) (c) 2. (intro.) The prohibitions in subs. (3) and sub. (4)✓ do not apply  
12 with respect to any of the following:✓

13 History: 1989 a. 335 ss. 66e, 76; 1991 a. 32, 269, 300; 1993 a. 245, 419; 1995 a. 27, 142; 1995 a. 227 s. 889; Stats. 1995 s. 287.07; 1997 a. 27; 2009 a. 50, 55, 86.

**SECTION 23.** 287.07 (7) (c) 2. b. of the statutes is amended to read:

14 287.07 (7) (c) 2. b. The disposal of, in a solid waste disposal facility, a container,  
15 package or material identified under sub. (3) or (4)✓ that contained infectious waste  
16 or that is from a treatment area and is mixed with infectious waste generated in the  
17 treatment area, if the container, package or material has been treated, pursuant to  
18 standards established under ch. 289, to render the infectious waste noninfectious.✓

19 History: 1989 a. 335 ss. 66e, 76; 1991 a. 32, 269, 300; 1993 a. 245, 419; 1995 a. 27, 142; 1995 a. 227 s. 889; Stats. 1995 s. 287.07; 1997 a. 27; 2009 a. 50, 55, 86.

**SECTION 24.** 287.07 (7) (d) of the statutes is repealed.✓

20 **SECTION 25.** 287.07 (7) (f) of the statutes is amended to read:

21 287.07 (7) (f) The prohibitions in subs. (2) and (3) to (4)✓ do not apply to the  
22 beneficial reuse of a material within a solid waste disposal facility if the beneficial

1 reuse of the material is approved in the solid waste disposal facility's plan of  
2 operation under s. 289.30.✓

3 History: 1989 a. 335 ss. 66e, 76; 1991 a. 32, 269, 300; 1993 a. 245, 419; 1995 a. 27, 142; 1995 a. 227 s. 889; Stats. 1995 s. 287.07; 1997 a. 27; 2009 a. 50, 55, 86.

4 **SECTION 26.** 287.07 (7) (g) of the statutes is repealed and recreated to read:

5 287.07 (7) (g) A prohibition in sub. (4)✓ does not apply to a material that has been  
6 contaminated and cannot feasibly be cleaned for recycling.✓

7 **SECTION 27.** 287.07 (7) (h) 1. (intro.) of the statutes is amended to read:

8 287.07 (7) (h) 1. (intro.) The department may ~~grant~~ issue a waiver or  
9 conditional waiver to a restriction under sub. (3) (e) or (h) or (4) (c) or (i) for plastics  
10 other than polyethylene terephthalate or high-density polyethylene if the  
department determines all of the following:✓

11 History: 1989 a. 335 ss. 66e, 76; 1991 a. 32, 269, 300; 1993 a. 245, 419; 1995 a. 27, 142; 1995 a. 227 s. 889; Stats. 1995 s. 287.07; 1997 a. 27; 2009 a. 50, 55, 86.

12 **SECTION 28.** 287.09 of the statutes is repealed.

13 **SECTION 29.** 287.093 of the statutes is repealed.✓

14 **SECTION 30.** 287.095 of the statutes is amended to read:

15 **287.095 Responsible unit Local official liability.** (1) DEFINITION. In this  
16 section, "~~responsible unit~~ local official" means any officer, official, agent, or employee  
17 of a ~~responsible unit~~ municipality or county engaged in the planning, management,  
operation, or approval of a recycling program or recycling site or facility.✓

18 (2) EXEMPTION FROM LIABILITY. No ~~responsible unit~~ local official is liable for civil  
19 damages as a result of good faith actions taken by the ~~responsible unit~~ official within  
20 the scope of duties relating to the ~~responsible unit's~~ municipal or county recycling  
21 program or recycling site or facility.✓

22 History: 1989 a. 335; 1995 a. 227 s. 892; Stats. 1995 s. 287.095.

23 **SECTION 31.** 287.10 of the statutes is repealed.✓

24 **SECTION 32.** 287.11 of the statutes is repealed.✓

**SECTION 33.** 287.19 (1) (b) (intro.) of the statutes is amended to read:

1           287.19 (1) (b) *Recycling programs.* (intro.) With respect to local recycling  
2   programs created under ~~s. 287.09 (2) (a)~~: ✓

3   History: 1989 a. 335; 1993 a. 75; 1995 a. 227 s. 901; Stats. 1995 s. 287.19; 1997 a. 60; 2003 a. 33.

3           **SECTION 34.** 287.21 (intro.) of the statutes is amended to read:

4           **287.21 Statewide education program.** (intro.) The department shall  
5   collect, prepare and disseminate information and conduct educational and training  
6   programs designed to assist in the implementation of solid waste management  
7   programs under ss. 287.01 to 287.31, enhance municipal and county solid waste  
8   management programs under ~~s. 287.09 (2) (a)~~ ✓ and inform the public of the  
9   relationship among an individual's consumption of goods and services, the  
10   generation of different types and quantities of solid waste and the implementation  
11   of the solid waste management priorities in s. 287.05 (12). The department shall  
12   prepare the information and programs on a statewide basis for the following groups: ✓

13   History: 1989 a. 335; 1995 a. 227 s. 902; Stats. 1995 s. 287.21.

13           **SECTION 35.** 287.23 of the statutes is repealed. ✓

14           **SECTION 36.** 287.235 of the statutes is repealed. ✓

15           **SECTION 37.** 287.25 of the statutes is repealed. ✓

16           **SECTION 38.** 895.517 (1) (d) of the statutes is repealed. ✓

17           **SECTION 39.** 895.517 (2) of the statutes is amended to read:

18           895.517 (2) Any person who donates or sells, at a price not exceeding overhead  
19   and transportation costs, solid waste, or a material that is separated from mixed soil  
20   waste, to a materials reuse program that is operated by a charitable organization,  
21   or municipality or responsible unit is immune from civil liability for the death of or  
22   injury to an individual or the damage to property caused by the solid waste or  
23   material donated or sold by the person. ✓

24   History: 1997 a. 60; 2005 a. 155.

(END)

→ Note

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1050/P1dn

RCT:.....

nwn

Date

Jana Steinmetz:

This is a preliminary version of the recycling draft. It should be reviewed carefully.

As you requested, this draft does not eliminate the current landfill and incineration prohibitions in s. 287.07 (3) and (4). Instead, this draft limits the prohibitions so that they apply to an individual placing the prohibited materials (other than waste tires) in a garbage container.

It seemed appropriate to restructure the prohibitions because an individual might not know whether his or her garbage is being put into a landfill or burned without energy recovery, covered by current s. 287.07 (3), or is being converted to fuel or burned with energy recovery, covered by current s. 287.07 (4). Waste tires are the only material that may not be disposed of in a landfill or burned without energy recovery but that may be converted to fuel or burned with energy recovery. This draft limits sub. (3) to waste tires and modifies sub. (4) so that it covers disposal in a landfill and incineration (with or without energy recovery) of all of the prohibited materials except waste tires. This draft does not limit the prohibition on the disposal of waste tires so that it applies only to individuals, but instead maintains the current prohibitions related to waste tires, which seems to be the logical approach, like lead acid batteries and yard waste under current law. Let me know if this should be changed.

I am uncertain exactly how some of the exceptions in s. 287.07 (7) should be treated. The draft changes s. 287.07 (7) (g) into a general exception for contaminated materials, because it seems impractical for individuals to request waivers from DNR. There will be other situations in which it is difficult for an individual to get rid of a material listed in s. 287.07 (4), such as a soda bottle, without throwing it into the trash — at a sporting event or a mall, for example — if recycling bins are not provided. You might want to consider whether the draft should create additional exceptions.

There are probably other approaches that could be used to keep the prohibitions in s. 287.07 (3) and (4) while eliminating the requirement that local governmental units have recycling programs, the state financial assistance for recycling programs, and the provisions concerning effective recycling programs (which are the eligibility requirements for that state assistance), but they have not come to mind so far.

Please let me know if you have questions or redraft instructions.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: becky.tradewell@legis.wisconsin.gov

## STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU 11-1050

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

1/14/2011 Per Jana - Do not repeal 287.07(3)&(4) but  
do repeal 5 287.07(7)(a). Narrow 287.07(3)&(4) so that  
they only apply to individuals who put the recyclables into the  
trash.

RET

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1050/P1dn  
RCT:nwn:ph

January 18, 2011

Jana Steinmetz:

This is a preliminary version of the recycling draft. It should be reviewed carefully.

As you requested, this draft does not eliminate the current landfill and incineration prohibitions in s. 287.07 (3) and (4). Instead, this draft limits the prohibitions so that they apply to an individual placing the prohibited materials (other than waste tires) in a garbage container.

It seemed appropriate to restructure the prohibitions because an individual might not know whether his or her garbage is being put into a landfill or burned without energy recovery, covered by current s. 287.07 (3), or is being converted to fuel or burned with energy recovery, covered by current s. 287.07 (4). Waste tires are the only material that may not be disposed of in a landfill or burned without energy recovery but that may be converted to fuel or burned with energy recovery. This draft limits sub. (3) to waste tires and modifies sub. (4) so that it covers disposal in a landfill and incineration (with or without energy recovery) of all of the prohibited materials except waste tires. This draft does not limit the prohibition on the disposal of waste tires so that it applies only to individuals, but instead maintains the current prohibitions related to waste tires, which seems to be the logical approach, like lead acid batteries and yard waste under current law. Let me know if this should be changed.

I am uncertain exactly how some of the exceptions in s. 287.07 (7) should be treated. The draft changes s. 287.07 (7) (g) into a general exception for contaminated materials, because it seems impractical for individuals to request waivers from DNR. There will be other situations in which it is difficult for an individual to get rid of a material listed in s. 287.07 (4), such as a soda bottle, without throwing it into the trash — at a sporting event or a mall, for example — if recycling bins are not provided. You might want to consider whether the draft should create additional exceptions.

There are probably other approaches that could be used to keep the prohibitions in s. 287.07 (3) and (4) while eliminating the requirement that local governmental units have recycling programs, the state financial assistance for recycling programs, and the provisions concerning effective recycling programs (which are the eligibility requirements for that state assistance), but they have not come to mind so far.

Please let me know if you have questions or redraft instructions.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.wisconsin.gov](mailto:becky.tradewell@legis.wisconsin.gov)

**Tradewell, Becky**

---

**From:** Steinmetz, Jana D - DOA [Jana.Steinmetz@Wisconsin.gov]

**Sent:** Friday, January 28, 2011 5:26 AM

**To:** Tradewell, Becky

**Subject:** Recycling draft 1050/P1

Becky,

In reference to a note imbedded in the draft, go ahead and repeal s. 20.370(6)(br) and s. 287.26. The rest of the draft is apparently fine, though I'm still mulling over whether there ought to be additional exceptions in s. 287.07.

Thanks,  
Jana

1/28/2011





State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1050/P# 2  
RCT:nwn:ph

In 1/28

rnr

DOA:.....Steinmetz, BB0223 - Eliminate requirement for local recycling programs and financial assistance

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

don't gen.

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 SECTION 1. 16.15 (1) (ae) of the statutes is amended to read:

3 16.15 (1) (ae) "Cost of disposing of processed material" has the meaning given  
4 in s. 287.11 (2m) (a) 1 means the gross cost of transferring processed material to a  
5 solid waste disposal facility and disposing of the processed material in the facility,  
6 including any disposal costs not paid through fees charged by the facility.

7 SECTION 2. 16.15 (1) (ah) of the statutes is amended to read:

8 16.15 (1) (ah) "Cost of selling processed material" has the meaning given in s.  
9 287.11 (2m) (a) 2 means the net cost, including any storage costs, of selling processed

1 material to a broker, dealer or manufacturing facility, plus any cost of transporting  
2 the processed material from the waste processing facility to the destination specified  
3 by the broker, dealer, or manufacturing facility.

4 SECTION 3. 16.15 (1) (ar) of the statutes is amended to read:

5 16.15 (1) (ar) "Processed material" ~~has the meaning given in s. 287.11 (2m) (a)~~  
6 means a component of solid waste that has been collected, transported to a waste  
7 processing facility, and prepared for sale to a broker, dealer, or manufacturer.

8 SECTION 4. 20.370 (2) (hq) of the statutes is amended to read:

9 20.370 (2) (hq) *Recycling; administration.* From the recycling and renewable  
10 energy fund, the amounts in the schedule for the administration of subch. II of ch.  
11 287, other than ss. s. 287.21, 287.23 and 287.25.

12 SECTION 5. 20.370 (3) (mr) of the statutes is amended to read:

13 20.370 (3) (mr) *Recycling; enforcement and research.* From the recycling and  
14 renewable energy fund, the amounts in the schedule for research and enforcement  
15 under subch. II of ch. 287, other than under ss. s. 287.21, 287.23 and 287.25.

16 *Insert 2/15* SECTION 6. ~~20.370 (6) (br) of the statutes is amended to read:~~ ✓

17 20.370 (6) (br) *Environmental aids — waste reduction and recycling.* From the  
18 recycling and renewable energy fund, as a continuing appropriation, the amounts in  
19 the schedule ~~for waste reduction and recycling demonstration grants under s. 287.25~~  
20 ~~and for business waste reduction and recycling assistance under s. 287.26.~~

\*\*\*NOTE: Or should this appropriation and s. 287.26 also be repealed?

21 SECTION 7. 20.370 (6) (bu) of the statutes is repealed.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

22 SECTION 8. 20.370 (6) (bv) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1       **SECTION 9.** 59.70 (2) (L) of the statutes is amended to read:

2       59.70 (2) (L) Appropriate funds and levy taxes to provide funds for acquisition  
3       or lease of sites, easements, necessary facilities and equipment and for all other costs  
4       required for the solid waste management system except that no municipality which  
5       operates its own solid waste management program ~~under s. 287.09 (2) (a)~~ or waste  
6       collection and disposal facility, or property therein, shall be subject to any tax levied  
7       hereunder to cover the capital and operating costs of these functions. Such  
8       appropriations may be treated as a revolving capital fund to be reimbursed from  
9       proceeds of the system.

10       **SECTION 10.** 74.01 (5) of the statutes is amended to read:

11       74.01 (5) "Special tax" means any amount entered in the tax roll which is not  
12       a general property tax, special assessment or special charge. "Special tax" includes  
13       any interest and penalties assessed for nonpayment of the tax before it is placed in  
14       the tax roll ~~and any charge under s. 287.093 (1) (a) 2. that is placed on the tax roll~~  
15       ~~under s. 287.093 (2).~~

16       **SECTION 11.** 227.01 (13) (zi) of the statutes is repealed.

17       **SECTION 12.** 285.63 (10) (c) 4. of the statutes is repealed.

18       **SECTION 13.** 287.01 (5) of the statutes is repealed.

19       **SECTION 14.** 287.01 (8) of the statutes is repealed.

20       **SECTION 15.** 287.01 (9) of the statutes is repealed.

21       **SECTION 16.** 287.03 (1) (f) of the statutes is repealed.

22       **SECTION 17.** 287.07 (3) (intro.) of the statutes is renumbered 287.07 (3) and  
23       amended to read:

1           287.07 (3) ~~GENERAL DISPOSAL RESTRICTIONS~~ WASTE TIRES. Beginning on January  
2           1, 1995, no person may dispose of a waste tire, as defined in s. 289.55 (1) (c) in a solid  
3           waste disposal facility or burn a waste tire without energy recovery in a solid waste  
4           treatment facility in this state ~~any of the following~~.

5           **SECTION 18.** 287.07 (3) (a) to (k) of the statutes is repealed.

6           **SECTION 19.** 287.07 (4) (intro.) of the statutes is amended to read:

7           287.07 (4) ~~GENERAL INCINERATION DISPOSAL RESTRICTIONS~~. ~~Beginning on January~~  
8           1, 1995, ~~no person~~ No individual may ~~convert~~ place in a container the contents of  
9           which will be disposed of in a solid waste disposal facility, converted into fuel, or burn  
10          ~~with energy recovery~~ burned at a solid waste treatment facility in this state any of  
11          the following:

12          **SECTION 20.** 287.07 (7) (a) of the statutes is repealed.

13          **SECTION 21.** 287.07 (7) (b) 2. of the statutes is amended to read:

14          287.07 (7) (b) 2. A prohibition in sub. (3) (b), (c), (e), (f), (g), (h) or (j) or (4) (b),  
15          (c), (f), (g), (h) or (i) does not apply to a person who converts into fuel or burns at an  
16          operating solid waste treatment facility a type of material identified in one of those  
17          paragraphs that was converted into fuel or burned at the operating solid waste  
18          treatment facility during April, 1990, and either is generated in the operating solid  
19          waste treatment facility's current service area or is generated by the owner of the  
20          operating solid waste treatment facility.

21          **SECTION 22.** 287.07 (7) (c) 1. cg. of the statutes is amended to read:

22          287.07 (7) (c) 1. cg. "Medical waste" means containers, packages and materials  
23          identified under sub. (3) ~~or~~ (4) that contain infectious waste or that are from a  
24          treatment area and are mixed with infectious waste.

25          **SECTION 23.** 287.07 (7) (c) 2. (intro.) of the statutes is amended to read:

1           287.07 (7) (c) 2. (intro.) The prohibitions in ~~subs. (3) and sub.~~ (4) do not apply  
2 with respect to any of the following:

3           **SECTION 24.** 287.07 (7) (c) 2. b. of the statutes is amended to read:

4           287.07 (7) (c) 2. b. The disposal of, in a solid waste disposal facility, a container,  
5 package or material identified under sub. (3) ~~or~~ (4) that contained infectious waste  
6 or that is from a treatment area and is mixed with infectious waste generated in the  
7 treatment area, if the container, package or material has been treated, pursuant to  
8 standards established under ch. 289, to render the infectious waste noninfectious.

9           **SECTION 25.** 287.07 (7) (d) of the statutes is repealed.

10          **SECTION 26.** 287.07 (7) (f) of the statutes is amended to read:

11          287.07 (7) (f) The prohibitions in subs. (2) ~~and (3)~~ to (4) do not apply to the  
12 beneficial reuse of a material within a solid waste disposal facility if the beneficial  
13 reuse of the material is approved in the solid waste disposal facility's plan of  
14 operation under s. 289.30.

15          **SECTION 27.** 287.07 (7) (g) of the statutes is repealed and recreated to read:

16          287.07 (7) (g) A prohibition in sub. (4) does not apply to a material that has been  
17 contaminated and cannot feasibly be cleaned for recycling.

18          **SECTION 28.** 287.07 (7) (h) 1. (intro.) of the statutes is amended to read:

19          287.07 (7) (h) 1. (intro.) The department may ~~grant~~ issue a waiver or  
20 conditional waiver to a restriction under sub. (3) ~~(e) or (h) or~~ (4) (c) or (i) for plastics  
21 other than polyethylene terephthalate or high-density polyethylene if the  
22 department determines all of the following:

23          **SECTION 29.** 287.09 of the statutes is repealed.

24          **SECTION 30.** 287.093 of the statutes is repealed.

25          **SECTION 31.** 287.095 of the statutes is amended to read:

1        **287.095 ~~Responsible unit~~ Local official liability.** (1) DEFINITION. In this  
2 section, "~~responsible unit~~ local official" means any officer, official, agent, or employee  
3 of a ~~responsible unit~~ municipality or county engaged in the planning, management,  
4 operation, or approval of a recycling program or recycling site or facility.

5        **(2) EXEMPTION FROM LIABILITY.** No ~~responsible unit~~ local official is liable for civil  
6 damages as a result of good faith actions taken by the ~~responsible unit~~ official within  
7 the scope of duties relating to the ~~responsible unit's~~ municipal or county recycling  
8 program or recycling site or facility.

9        **SECTION 32.** 287.10 of the statutes is repealed.

10       **SECTION 33.** 287.11 of the statutes is repealed.

11       **SECTION 34.** 287.19 (1) (b) (intro.) of the statutes is amended to read:

12       287.19 (1) (b) *Recycling programs.* (intro.) With respect to local recycling  
13 programs ~~created under s. 287.09 (2) (a):~~

14       **SECTION 35.** 287.21 (intro.) of the statutes is amended to read:

15       **287.21 Statewide education program.** (intro.) The department shall  
16 collect, prepare and disseminate information and conduct educational and training  
17 programs designed to assist in the implementation of solid waste management  
18 programs under ss. 287.01 to 287.31, enhance municipal and county solid waste  
19 management programs ~~under s. 287.09 (2) (a)~~ and inform the public of the  
20 relationship among an individual's consumption of goods and services, the  
21 generation of different types and quantities of solid waste and the implementation  
22 of the solid waste management priorities in s. 287.05 (12). The department shall  
23 prepare the information and programs on a statewide basis for the following groups:

24       **SECTION 36.** 287.23 of the statutes is repealed.

25       **SECTION 37.** 287.235 of the statutes is repealed.

1 *Insert* **SECTION 38.** 287.25 of the statutes is repealed.

2 *7-1* **SECTION 39.** 895.517 (1) (d) of the statutes is repealed.

3 **SECTION 40.** 895.517 (2) of the statutes is amended to read:

4 895.517 (2) Any person who donates or sells, at a price not exceeding overhead  
5 and transportation costs, solid waste, or a material that is separated from mixed soil  
6 waste, to a materials reuse program that is operated by a charitable organization,  
7 or municipality ~~or responsible unit~~ is immune from civil liability for the death of or  
8 injury to an individual or the damage to property caused by the solid waste or  
9 material donated or sold by the person.

10 (END)

1           **Analysis Insert**

**ENVIRONMENT**✓  
**RECYCLING**✓

Current law generally prohibits a person from disposing of certain materials in a landfill or incinerator. The materials include aluminum containers, glass containers, certain plastic containers, and office paper. Current law also requires a municipality to operate a recycling or other program to manage solid waste in compliance with the disposal restrictions, except that a county may assume this responsibility in place of municipalities within the county. DNR administers a program that provides financial assistance to local governments that operate recycling programs that satisfy criteria specified in current law.

This bill eliminates the requirement that a municipality or county operate a recycling or other program to manage solid waste in compliance with the disposal restrictions. The bill also eliminates the financial assistance program for local governmental recycling programs. The bill modifies the disposal restrictions that cover materials like aluminum containers so that an individual is prohibited from placing the materials in a container the contents of which will be disposed of in a landfill or incinerator.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

2           **Insert 2-15**

3           **SECTION 1.** 20.370 (6) (br) of the statutes is repealed.✓

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4           **Insert 7-1**

5           **SECTION 2.** 287.26 of the statutes is repealed.✓





State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1050/P# 3

RCT:nwn:rs

In 2/18

FW

DOA:.....Steinmetz, BB0223 - Eliminate requirement for local recycling programs and financial assistance

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

Don't Gen

1 AN ACT ...; relating to: the budget.

---

*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

**RECYCLING**

Current law generally prohibits a person from disposing of certain materials in a landfill or incinerator. The materials include aluminum containers, glass containers, certain plastic containers, and office paper. Current law also requires a municipality to operate a recycling or other program to manage solid waste in compliance with the disposal restrictions, except that a county may assume this responsibility in place of municipalities within the county. DNR administers a program that provides financial assistance to local governments that operate recycling programs that satisfy criteria specified in current law.

This bill eliminates the requirement that a municipality or county operate a recycling or other program to manage solid waste in compliance with the disposal restrictions. The bill also eliminates the financial assistance program for local governmental recycling programs. The bill modifies the disposal restrictions that cover materials like aluminum containers so that an individual is prohibited from placing the materials in a container the contents of which will be disposed of in a landfill or incinerator.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

SECTION 1. 16.15 (1) (ae) of the statutes is amended to read:

16.15 (1) (ae) "Cost of disposing of processed material" has the meaning given in s. 287.11 (2m) (a) 1 means the gross cost of transferring processed material to a solid waste disposal facility and disposing of the processed material in the facility, including any disposal costs not paid through fees charged by the facility.

SECTION 2. 16.15 (1) (ah) of the statutes is amended to read:

16.15 (1) (ah) "Cost of selling processed material" has the meaning given in s. 287.11 (2m) (a) 2 means the net cost, including any storage costs, of selling processed material to a broker, dealer or manufacturing facility, plus any cost of transporting the processed material from the waste processing facility to the destination specified by the broker, dealer, or manufacturing facility.

SECTION 3. 16.15 (1) (ar) of the statutes is amended to read:

16.15 (1) (ar) "Processed material" has the meaning given in s. 287.11 (2m) (a) 3 means a component of solid waste that has been collected, transported to a waste processing facility, and prepared for sale to a broker, dealer, or manufacturer.

SECTION 4. 20.370 (2) (hq) of the statutes is amended to read:

20.370 (2) (hq) *Recycling; administration.* From the ~~recycling and renewable~~ environmental ~~energy~~ fund, the amounts in the schedule for the administration of subch. II of ch. 287, other than ss. s. 287.21, 287.23 and 287.25.

SECTION 5. 20.370 (3) (mr) of the statutes is amended to read:

19  
20  
2-19

① 20.370 (3) (mr) *Recycling; enforcement and research.* From the ~~recycling and~~  
② ~~renewable energy~~ <sup>environmental</sup> fund, the amounts in the schedule for research and enforcement  
3 under subch. II of ch. 287, other than under ss. ~~s. 287.21, 287.23 and 287.25.~~

Insert  
3-3  
4

SECTION 6. 20.370 (6) (br) of the statutes is repealed.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

Insert  
3-4  
5 SECTION 7. 20.370 (6) (bu) of the statutes is repealed.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

Insert  
3-5  
6 SECTION 8. 20.370 (6) (bv) of the statutes is repealed.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

Insert  
3-6  
7 SECTION 9. 59.70 (2) (L) of the statutes is amended to read:

8 59.70 (2) (L) Appropriate funds and levy taxes to provide funds for acquisition  
9 or lease of sites, easements, necessary facilities and equipment and for all other costs  
10 required for the solid waste management system except that no municipality which  
11 operates its own solid waste management program ~~under s. 287.09 (2) (a)~~ or waste  
12 collection and disposal facility, or property therein, shall be subject to any tax levied  
13 hereunder to cover the capital and operating costs of these functions. Such  
14 appropriations may be treated as a revolving capital fund to be reimbursed from  
15 proceeds of the system.

16 SECTION 10. 74.01 (5) of the statutes is amended to read:

17 74.01 (5) "Special tax" means any amount entered in the tax roll which is not  
18 a general property tax, special assessment or special charge. "Special tax" includes  
19 any interest and penalties assessed for nonpayment of the tax before it is placed in  
20 the tax roll ~~and any charge under s. 287.093 (1) (a) 2. that is placed on the tax roll~~  
21 ~~under s. 287.093 (2).~~

SECTION 11. 227.01 (13) (zi) of the statutes is repealed.

SECTION 12. 285.63 (10) (c) 4. of the statutes is repealed.

SECTION 13. 287.01 (5) of the statutes is repealed.

SECTION 14. 287.01 (8) of the statutes is repealed.

SECTION 15. 287.01 (9) of the statutes is repealed.

SECTION 16. 287.03 (1) (f) of the statutes is repealed.

SECTION 17. 287.07 (3) (intro.) of the statutes is renumbered 287.07 (3) and amended to read:

287.07 (3) ~~GENERAL DISPOSAL RESTRICTIONS~~ WASTE TIRES. Beginning on January 1, 1995, no person may dispose of a waste tire, as defined in s. 289.55 (1) (c), in a solid waste disposal facility or burn a waste tire without energy recovery in a solid waste treatment facility in this state ~~any of the following~~.

SECTION 18. 287.07 (3) (a) to (k) of the statutes is repealed.

SECTION 19. 287.07 (4) (intro.) of the statutes is amended to read:

287.07 (4) ~~GENERAL INCINERATION~~ DISPOSAL RESTRICTIONS. ~~Beginning on January 1, 1995, no person~~ No individual may convert place in a container the contents of which will be disposed of in a solid waste disposal facility, converted into fuel, or burn with energy recovery burned at a solid waste treatment facility in this state any of the following:

SECTION 20. 287.07 (7) (a) of the statutes is repealed.

SECTION 21. 287.07 (7) (b) 2. of the statutes is amended to read:

287.07 (7) (b) 2. A prohibition in sub. (3) (b), (c), (e), (f), (g), (h) or (j) or (4) (b), (c), (f), (g), (h) or (i) does not apply to a person who converts into fuel or burns at an operating solid waste treatment facility a type of material identified in one of those paragraphs that was converted into fuel or burned at the operating solid waste

1 treatment facility during April, 1990, and either is generated in the operating solid  
2 waste treatment facility's current service area or is generated by the owner of the  
3 operating solid waste treatment facility.

4 **SECTION 22.** 287.07 (7) (c) 1. cg. of the statutes is amended to read:

5 287.07 (7) (c) 1. cg. "Medical waste" means containers, packages and materials  
6 identified under sub. ~~(3)~~ or (4) that contain infectious waste or that are from a  
7 treatment area and are mixed with infectious waste.

8 **SECTION 23.** 287.07 (7) (c) 2. (intro.) of the statutes is amended to read:

9 287.07 (7) (c) 2. (intro.) The prohibitions in subs. ~~(3)~~ and sub. (4) do not apply  
10 with respect to any of the following:

11 **SECTION 24.** 287.07 (7) (c) 2. b. of the statutes is amended to read:

12 287.07 (7) (c) 2. b. The disposal of, in a solid waste disposal facility, a container,  
13 package or material identified under sub. ~~(3)~~ or (4) that contained infectious waste  
14 or that is from a treatment area and is mixed with infectious waste generated in the  
15 treatment area, if the container, package or material has been treated, pursuant to  
16 standards established under ch. 289, to render the infectious waste noninfectious.

17 **SECTION 25.** 287.07 (7) (d) of the statutes is repealed.

18 **SECTION 26.** 287.07 (7) (f) of the statutes is amended to read:

19 287.07 (7) (f) The prohibitions in subs. (2) and ~~(3)~~ to (4) do not apply to the  
20 beneficial reuse of a material within a solid waste disposal facility if the beneficial  
21 reuse of the material is approved in the solid waste disposal facility's plan of  
22 operation under s. 289.30.

23 **SECTION 27.** 287.07 (7) (g) of the statutes is repealed and recreated to read:

24 287.07 (7) (g) A prohibition in sub. (4) does not apply to a material that has been  
25 contaminated and cannot feasibly be cleaned for recycling.

1           **SECTION 28.** 287.07 (7) (h) 1. (intro.) of the statutes is amended to read:

2           287.07 (7) (h) 1. (intro.) The department may ~~grant~~ issue a waiver or  
3 conditional waiver to a restriction under sub. ~~(3) (e) or (h) or~~ (4) (c) or (i) for plastics  
4 other than polyethylene terephthalate or high-density polyethylene if the  
5 department determines all of the following:

6           **SECTION 29.** 287.09 of the statutes is repealed.

7           **SECTION 30.** 287.093 of the statutes is repealed.

8           **SECTION 31.** 287.095 of the statutes is amended to read:

9           **287.095 Responsible unit Local official liability.** (1) DEFINITION. In this  
10 section, "~~responsible unit~~ local official" means any officer, official, agent, or employee  
11 of a ~~responsible unit~~ municipality or county engaged in the planning, management,  
12 operation, or approval of a recycling program or recycling site or facility.

13           (2) EXEMPTION FROM LIABILITY. No ~~responsible unit~~ local official is liable for civil  
14 damages as a result of good faith actions taken by the ~~responsible unit~~ official within  
15 the scope of duties relating to the ~~responsible unit's~~ municipal or county recycling  
16 program or recycling site or facility.

17           **SECTION 32.** 287.10 of the statutes is repealed.

18           **SECTION 33.** 287.11 of the statutes is repealed.

19           **SECTION 34.** 287.19 (1) (b) (intro.) of the statutes is amended to read:

20           287.19 (1) (b) *Recycling programs.* (intro.) With respect to local recycling  
21 programs ~~created under s. 287.09 (2) (a):~~

22           **SECTION 35.** 287.21 (intro.) of the statutes is amended to read:

23           **287.21 Statewide education program.** (intro.) The department shall  
24 collect, prepare and disseminate information and conduct educational and training  
25 programs designed to assist in the implementation of solid waste management

1 programs under ss. 287.01 to 287.31, enhance municipal and county solid waste  
2 management programs ~~under s. 287.09 (2) (a)~~ and inform the public of the  
3 relationship among an individual's consumption of goods and services, the  
4 generation of different types and quantities of solid waste and the implementation  
5 of the solid waste management priorities in s. 287.05 (12). The department shall  
6 prepare the information and programs on a statewide basis for the following groups:

7 **SECTION 36.** 287.23 of the statutes is <sup>✓</sup>repealed.

8 **SECTION 37.** 287.235 of the statutes is <sup>✓</sup>repealed.

9 **SECTION 38.** 287.25 of the statutes is <sup>✓</sup>repealed.

10 **SECTION 39.** 287.26 of the statutes is <sup>✓</sup>repealed.

11 **SECTION 40.** 895.517 (1) (d) of the statutes is <sup>✓</sup>repealed.

12 **SECTION 41.** 895.517 (2) of the statutes is amended to read:

13 895.517 (2) Any person who donates or sells, at a price not exceeding overhead  
14 and transportation costs, solid waste, or a material that is separated from mixed soil  
15 waste, to a materials reuse program that is operated by a charitable organization,  
16 or municipality or responsible unit is immune from civil liability for the death of or  
17 injury to an individual or the damage to property caused by the solid waste or  
18 material donated or sold by the person.

19 (END)

**2011-2012 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1050/P3ins  
RCT:.....

**Insert 2-19**

\*\*\*\*NOTE: This is reconciled s. 20.370 (2) (hq). This SECTION has been affected by drafts with the following LRB numbers: -1050 and -1320.

**Insert 3-3**

\*\*\*\*NOTE: This is reconciled s. 20.370 (3) (mr). This SECTION has been affected by drafts with the following LRB numbers: -1050 and -1320.

**Insert 3-4**

\*\*\*\*NOTE: This is reconciled s. 20.370 (6) (br). This SECTION has been affected by drafts with the following LRB numbers: -1050 and -1320.

**Insert 3-5**

\*\*\*\*NOTE: This is reconciled s. 20.370 (6) (bu). This SECTION has been affected by drafts with the following LRB numbers: -1050 and -1320.

**Insert 3-6**

\*\*\*\*NOTE: This is reconciled s. 20.370 (6) (bv). This SECTION has been affected by drafts with the following LRB numbers: -1050 and -1320.



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1050/P3dn  
RCT.: *kgf*

*Date*

Jana Steinmetz:

This draft reconciles LRB-1050 and LRB-1320. Both of these drafts should continue to appear in the compiled bill.

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

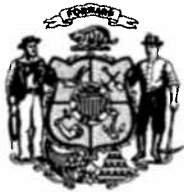
LRB-1050/P3dn  
RCT:kjf:ph

February 18, 2011

Jana Steinmetz:

This draft reconciles LRB-1050 and LRB-1320. Both of these drafts should continue to appear in the compiled bill.

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State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1050/P3  
RCT:nwn:ph

DOA:.....Steinmetz, BB0223 - Eliminate requirement for local recycling programs and financial assistance

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

**RECYCLING**

Current law generally prohibits a person from disposing of certain materials in a landfill or incinerator. The materials include aluminum containers, glass containers, certain plastic containers, and office paper. Current law also requires a municipality to operate a recycling or other program to manage solid waste in compliance with the disposal restrictions, except that a county may assume this responsibility in place of municipalities within the county. DNR administers a program that provides financial assistance to local governments that operate recycling programs that satisfy criteria specified in current law.

This bill eliminates the requirement that a municipality or county operate a recycling or other program to manage solid waste in compliance with the disposal restrictions. The bill also eliminates the financial assistance program for local governmental recycling programs. The bill modifies the disposal restrictions that cover materials like aluminum containers so that an individual is prohibited from placing the materials in a container the contents of which will be disposed of in a landfill or incinerator.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       **SECTION 1.** 16.15 (1) (ae) of the statutes is amended to read:

2       16.15 (1) (ae) "Cost of disposing of processed material" ~~has the meaning given~~  
3 ~~in s. 287.11 (2m) (a) 1~~ means the gross cost of transferring processed material to a  
4 solid waste disposal facility and disposing of the processed material in the facility,  
5 including any disposal costs not paid through fees charged by the facility.

6       **SECTION 2.** 16.15 (1) (ah) of the statutes is amended to read:

7       16.15 (1) (ah) "Cost of selling processed material" ~~has the meaning given in s.~~  
8 ~~287.11 (2m) (a) 2~~ means the net cost, including any storage costs, of selling processed  
9 material to a broker, dealer or manufacturing facility, plus any cost of transporting  
10 the processed material from the waste processing facility to the destination specified  
11 by the broker, dealer, or manufacturing facility.

12       **SECTION 3.** 16.15 (1) (ar) of the statutes is amended to read:

13       16.15 (1) (ar) "Processed material" ~~has the meaning given in s. 287.11 (2m) (a)~~  
14 ~~3~~ means a component of solid waste that has been collected, transported to a waste  
15 processing facility, and prepared for sale to a broker, dealer, or manufacturer.

16       **SECTION 4.** 20.370 (2) (hq) of the statutes is amended to read:

17       20.370 (2) (hq) *Recycling; administration.* From the ~~recycling and renewable~~  
18 ~~energy environmental~~ fund, the amounts in the schedule for the administration of  
19 subch. II of ch. 287, other than ss. ~~s. 287.21, 287.23 and 287.25.~~

      \*\*\*\*NOTE: This is reconciled s. 20.370 (2) (hq). This SECTION has been affected by  
drafts with the following LRB numbers: -1050 and -1320.

20       **SECTION 5.** 20.370 (3) (mr) of the statutes is amended to read:

1           20.370 (3) (mr) *Recycling; enforcement and research.* From the ~~reecycling and~~  
2 ~~renewable energy environmental~~ fund, the amounts in the schedule for research and  
3 enforcement under subch. II of ch. 287, other than under ~~ss. s. 287.21, 287.23 and~~  
4 ~~287.25.~~

      \*\*\*\*NOTE: This is reconciled s. 20.370 (3) (mr). This SECTION has been affected by  
drafts with the following LRB numbers: -1050 and -1320.

5           **SECTION 6.** 20.370 (6) (br) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

      \*\*\*\*NOTE: This is reconciled s. 20.370 (6) (br). This SECTION has been affected by  
drafts with the following LRB numbers: -1050 and -1320.

6           **SECTION 7.** 20.370 (6) (bu) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

      \*\*\*\*NOTE: This is reconciled s. 20.370 (6) (bu). This SECTION has been affected by  
drafts with the following LRB numbers: -1050 and -1320.

7           **SECTION 8.** 20.370 (6) (bv) of the statutes is repealed.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

      \*\*\*\*NOTE: This is reconciled s. 20.370 (6) (bv). This SECTION has been affected by  
drafts with the following LRB numbers: -1050 and -1320.

8           **SECTION 9.** 59.70 (2) (L) of the statutes is amended to read:

9           59.70 (2) (L) Appropriate funds and levy taxes to provide funds for acquisition  
10 or lease of sites, easements, necessary facilities and equipment and for all other costs  
11 required for the solid waste management system except that no municipality which  
12 operates its own solid waste management program ~~under s. 287.09 (2) (a)~~ or waste  
13 collection and disposal facility, or property therein, shall be subject to any tax levied  
14 hereunder to cover the capital and operating costs of these functions. Such  
15 appropriations may be treated as a revolving capital fund to be reimbursed from  
16 proceeds of the system.

17          **SECTION 10.** 74.01 (5) of the statutes is amended to read:

74.01 (5) "Special tax" means any amount entered in the tax roll which is not a general property tax, special assessment or special charge. "Special tax" includes any interest and penalties assessed for nonpayment of the tax before it is placed in the tax roll ~~and any charge under s. 287.093 (1) (a) 2. that is placed on the tax roll under s. 287.093 (2).~~

**SECTION 11.** 227.01 (13) (zi) of the statutes is repealed.

**SECTION 12.** 285.63 (10) (c) 4. of the statutes is repealed.

**SECTION 13.** 287.01 (5) of the statutes is repealed.

**SECTION 14.** 287.01 (8) of the statutes is repealed.

**SECTION 15.** 287.01 (9) of the statutes is repealed.

**SECTION 16.** 287.03 (1) (f) of the statutes is repealed.

**SECTION 17.** 287.07 (3) (intro.) of the statutes is renumbered 287.07 (3) and amended to read:

287.07 (3) ~~GENERAL DISPOSAL RESTRICTIONS~~ WASTE TIRES. Beginning on January 1, 1995, no person may dispose of a waste tire, as defined in s. 289.55 (1) (c), in a solid waste disposal facility or burn a waste tire without energy recovery in a solid waste treatment facility in this state ~~any of the following:~~

**SECTION 18.** 287.07 (3) (a) to (k) of the statutes is repealed.

**SECTION 19.** 287.07 (4) (intro.) of the statutes is amended to read:

287.07 (4) ~~GENERAL INCINERATION~~ DISPOSAL RESTRICTIONS. ~~Beginning on January 1, 1995, no person~~ No individual may convert place in a container the contents of which will be disposed of in a solid waste disposal facility, converted into fuel, or burn with energy recovery burned at a solid waste treatment facility in this state any of the following:

**SECTION 20.** 287.07 (7) (a) of the statutes is repealed.

1           **SECTION 21.** 287.07 (7) (b) 2. of the statutes is amended to read:

2           287.07 (7) (b) 2. A prohibition in sub. ~~(3) (b), (c), (e), (f), (g), (h) or (j) or~~ (4) (b),  
3           (c), (f), (g), (h) or (i) does not apply to a person who converts into fuel or burns at an  
4           operating solid waste treatment facility a type of material identified in one of those  
5           paragraphs that was converted into fuel or burned at the operating solid waste  
6           treatment facility during April, 1990, and either is generated in the operating solid  
7           waste treatment facility's current service area or is generated by the owner of the  
8           operating solid waste treatment facility.

9           **SECTION 22.** 287.07 (7) (c) 1. cg. of the statutes is amended to read:

10          287.07 (7) (c) 1. cg. "Medical waste" means containers, packages and materials  
11          identified under sub. ~~(3) or~~ (4) that contain infectious waste or that are from a  
12          treatment area and are mixed with infectious waste.

13          **SECTION 23.** 287.07 (7) (c) 2. (intro.) of the statutes is amended to read:

14          287.07 (7) (c) 2. (intro.) The prohibitions in subs. ~~(3) and sub.~~ (4) do not apply  
15          with respect to any of the following:

16          **SECTION 24.** 287.07 (7) (c) 2. b. of the statutes is amended to read:

17          287.07 (7) (c) 2. b. The disposal of, in a solid waste disposal facility, a container,  
18          package or material identified under sub. ~~(3) or~~ (4) that contained infectious waste  
19          or that is from a treatment area and is mixed with infectious waste generated in the  
20          treatment area, if the container, package or material has been treated, pursuant to  
21          standards established under ch. 289, to render the infectious waste noninfectious.

22          **SECTION 25.** 287.07 (7) (d) of the statutes is repealed.

23          **SECTION 26.** 287.07 (7) (f) of the statutes is amended to read:

24          287.07 (7) (f) The prohibitions in subs. (2) and ~~(3) to~~ (4) do not apply to the  
25          beneficial reuse of a material within a solid waste disposal facility if the beneficial

1 reuse of the material is approved in the solid waste disposal facility's plan of  
2 operation under s. 289.30.

3 **SECTION 27.** 287.07 (7) (g) of the statutes is repealed and recreated to read:

4 287.07 (7) (g) A prohibition in sub. (4) does not apply to a material that has been  
5 contaminated and cannot feasibly be cleaned for recycling.

6 **SECTION 28.** 287.07 (7) (h) 1. (intro.) of the statutes is amended to read:

7 287.07 (7) (h) 1. (intro.) The department may ~~grant~~ issue a waiver or  
8 conditional waiver to a restriction under sub. (3) ~~(e) or (h) or~~ (4) (c) or (i) for plastics  
9 other than polyethylene terephthalate or high-density polyethylene if the  
10 department determines all of the following:

11 **SECTION 29.** 287.09 of the statutes is repealed.

12 **SECTION 30.** 287.093 of the statutes is repealed.

13 **SECTION 31.** 287.095 of the statutes is amended to read:

14 **287.095 Responsible unit Local official liability.** (1) DEFINITION. In this  
15 section, "~~responsible unit~~ local official" means any officer, official, agent, or employee  
16 of a ~~responsible unit~~ municipality or county engaged in the planning, management,  
17 operation, or approval of a recycling program or recycling site or facility.

18 (2) EXEMPTION FROM LIABILITY. No ~~responsible unit~~ local official is liable for civil  
19 damages as a result of good faith actions taken by the ~~responsible unit~~ official within  
20 the scope of duties relating to the ~~responsible unit's~~ municipal or county recycling  
21 program or recycling site or facility.

22 **SECTION 32.** 287.10 of the statutes is repealed.

23 **SECTION 33.** 287.11 of the statutes is repealed.

24 **SECTION 34.** 287.19 (1) (b) (intro.) of the statutes is amended to read:



287.19 (1) (b) *Recycling programs.* (intro.) With respect to local recycling  
programs created under s. ~~287.09 (2) (a)~~:

**SECTION 35.** 287.21 (intro.) of the statutes is amended to read:

**287.21 Statewide education program.** (intro.) The department shall collect, prepare and disseminate information and conduct educational and training programs designed to assist in the implementation of solid waste management programs under ss. 287.01 to 287.31, enhance municipal and county solid waste management programs ~~under s. 287.09 (2) (a)~~ and inform the public of the relationship among an individual's consumption of goods and services, the generation of different types and quantities of solid waste and the implementation of the solid waste management priorities in s. 287.05 (12). The department shall prepare the information and programs on a statewide basis for the following groups:

**SECTION 36.** 287.23 of the statutes is repealed.

**SECTION 37.** 287.235 of the statutes is repealed.

**SECTION 38.** 287.25 of the statutes is repealed.

**SECTION 39.** 287.26 of the statutes is repealed.

**SECTION 40.** 895.517 (1) (d) of the statutes is repealed.

**SECTION 41.** 895.517 (2) of the statutes is amended to read:

895.517 (2) Any person who donates or sells, at a price not exceeding overhead and transportation costs, solid waste, or a material that is separated from mixed soil waste, to a materials reuse program that is operated by a charitable organization, or municipality or responsible unit is immune from civil liability for the death of or injury to an individual or the damage to property caused by the solid waste or material donated or sold by the person.

(END)